

MELLEN DENIES EVERY CHARGE

Testifies That \$50,000 of \$102,000 Went to Aid Roosevelt.

ALL USED HONORABLY

Not Selling Steamship Lines to Morse a Mistake, He Says.

STOCK TRADE EXPLAINED

General Counsel Robbins Tells How He Did It, Despite Court Decision.

BOSTON, May 2.—Charles S. Mellen, president of the New York, New Haven and Hartford Railroad, appeared before Commissioner Prouty to-day and made emphatic denial that he ever made any money which eventually went into his own pocket from the stock transactions which he had in a separate account with the road.

Mr. Mellen seemed to take particular pains to answer his critics on all of the principal points which they have made against him and his management of the New England Lines.

He was on the witness stand for three hours and a half, during which he showed that \$50,000 of the "mysterious \$102,000" previously unaccounted for was given to Cornelius N. Bliss as a contribution to the Republican Presidential campaign of 1904 and that other money from this \$102,000 fund reimbursed him for similar political contributions, for acquiring leases and further ultimate uses.

He accounted for the profits from sales of his stock dealings in similar manner.

Wanted Listing on Exchange.

Mr. Mellen said that the reason for his going into the stock sales was in order to get the listing on the New York Stock Exchange. He denied that J. L. Hillard had received an excessive profit on the Boston and Maine holding company deal, declared that the Pullman contract benefited the New Haven and the public, explained the Worcester, Nashua and Rochester deal and defended the costly construction of the Westchester and Hampden roads as being fully justified by what they will bring to the New Haven and the Boston and Maine.

Mr. Mellen also said that he was sorry the steamship lines had not been sold to Charles W. Morse.

Commissioner Prouty, before Mr. Mellen began his statement, said that the commission had for some time desired to summon him as a witness, but it had been the request of the Department of Justice.

The Commissioner pointed out that while he could not interrogate the witness on certain things because of this peculiar situation, if Mr. Mellen should testify to certain transactions, by way of personal explanation, Louis D. Brandeis and Robert H. Thomas ought to be permitted to interrogate him. Mr. Prouty said that he was glad to have Mr. Mellen appear as a voluntary witness, one requested by the Commissioner, and that nothing that Mr. Mellen said should be relied upon as making for immunity should an indictment be returned.

Refuses to Be Cross-Examined.

Mr. Choate expressed regret that the Department of Justice had interfered and said that Mr. Mellen was willing and ready to explain all and answer all questions. Mr. Choate said he would consider giving the "attackers" a chance to question the witness and decide on that later, but at the close of his client's testimony Mr. Mellen refused on advice of counsel to submit to cross-examination.

Following the Testimony of Mr. Mellen.

Mr. Brandeis was finally permitted to read correspondence between him and Mr. Mellen in which he (Brandeis) asked Mellen for statements of earnings of various subsidiary companies of the New Haven system and which Mellen saw fit to refuse. Mellen said in one of his letters to Brandeis that neither he nor the New Haven desired a merger with the Boston and Maine unless the public did to which Brandeis replied, asking if Mellen meant this as a promise.

In reply to this the New Haven's President wrote that his company did not directly own Boston and Maine stock and was awaiting an expression of public opinion as to whether the New Haven should take the Boston and Maine, and that if it did not his road might consider what disposition ought to be made of the Boston and Maine stock controlled by the New Haven.

Robbins Explains Stock Trade.

E. D. Robbins, general counsel for the New Haven, succeeded Mr. Mellen on the witness stand and told how, despite a decision of the Supreme Court, he engineered a series of transactions which resulted ultimately in 109,000 shares of New Haven stock being exchanged for Boston and Maine shares.

"I was confronted," said Mr. Robbins, "with the necessity of issuing New Haven stock in connection with a contract for the exchange for Boston and Maine stock."

"Why didn't the New Haven issue it directly?" asked Prouty.

"It couldn't be exchanged for Boston and Maine stock, so we did it in the way we did because we were convinced we had the right to."

"Yet when you meant to exchange the stock in spite of the law?" asked the Commissioner.

"Not at all. It was a perfectly legal way of doing something which, because

TRAINMEN TO VOTE ON STRIKE

Eastern Managers Refuse to Arbitrate Employees' Demands.

The managers' committee of the Eastern Railwaymen rejected at a conference yesterday forenoon with the committee of the trainmen and conductors a proposition to arbitrate the demands of those employees. The demands have been denied previously on the ground that there was nothing to justify any increase in wages. The trainmen and conductors then proposed arbitration under the Erdman act, which was declined.

After the conference the committees of trainmen and conductors met at the Broadway Central Hotel and decided to order that a vote be taken on the question of a general strike of those involved in the demands, who number about 127,000 men.

The members of the two committees then left the city to take the order to the divisions they represent. The voting will be by ballot and will take from three to four weeks, and the ballots will be counted in this city under the supervision of a special committee.

In case, as it is expected, the vote is for a strike, there will be, in accordance with the rules of the brotherhood, one more effort toward a settlement before the strike goes into effect.

DR. KINNICUTT DIES AT MEDICAL MEETING

Stricken After Reading Paper Before Members of The Practitioners.

Dr. Francis Parker Kinnicutt, of 39 East Thirty-fifth street, one of New York's most prominent physicians, was stricken with apoplexy last night at the monthly meeting of The Practitioners at the residence of Dr. Gorham Bacon, 47 West Fifty-fourth street, and died five minutes later.

Dr. Kinnicutt had read the paper of the evening and had taken his seat when he became faint. Dr. Bacon, Dr. Gilman Thompson and other physicians went to his side.

Dr. John Winters Brannan, president of the society, was in the chair when the attack came and he joined the other physicians in trying to give relief to his stricken associate.

Other physicians at the meeting were Dr. Walter B. James, Dr. Gilman Thompson, Dr. A. A. Smith, Dr. C. L. Dana, Dr. Walter V. P. Gibney, Dr. John S. Thacher and Dr. T. M. Prudden. Dr. Kinnicutt's paper was on "Ovarial Sequestra."

Dr. Thompson notified the authorities of the sudden death of Dr. Kinnicutt and Coroner Feinberg gave a permit for the removal of the body.

Dr. Kinnicutt was born in Worcester, Mass., on July 13, 1846. He was graduated from Harvard in 1868 and took a degree of A. M. from that university in 1872. He studied medicine at the College of Physicians and Surgeons, and also attended the Universities of Heidelberg and Vienna.

Dr. Kinnicutt had been a professor of medicine at the College of Physicians and Surgeons (Columbia) since 1893. He was a physician to the Presbyterian Hospital, consulting physician to St. Luke's Hospital, the Woman's Hospital, the Hospital for the Ruptured and Crippled and Babies Hospital. He was a member of the board of medical directors of the Cancer Hospital, a trustee of the General Memorial Hospital, a director of the Brearley School. He was president of the Association of American Physicians in 1906 and 1907. He was also a director of the Children's Aid Society and a member of the American Museum of Natural History. He belonged to the Century, Harvard, University and City clubs. He was married on November 19, 1875, to Miss Eleonora Kiesel of New York city, and is survived by two sons, Francis and Herman.

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JAPANESE CAN RENEW LEASES BY NEW BILL

Amended Measure Allowing Three Year Terms Will Pass Legislature To-day.

BRYAN STAYS ON WATCH

Appeals to Await Diplomatic Settlement Are Made in Vain.

SACRAMENTO, Cal., May 2.—The alien land bill will be put through both houses to-morrow, but it was remodelled to-day to allow three year leases, which was done in deference to the large companies which have leased lands to Japanese.

The amendment provides that land may be leased to ineligible aliens for periods not to exceed three years. It was introduced in the House last night and it passed the Senate to-day.

This amendment provides that aliens shall hold leases for only three years, but it eventually allows them to hold land as long as they please, since there is nothing in it against renewal to another Japanese tenant.

Secretary Bryan sat almost all day in Lieut.-Gov. Wallace's office, just across the hall from the Senate, and was kept informed of all that went on in both houses. Bryan hoped to get away to-day, but it will be impossible to pass the amended alien land bill before to-morrow afternoon.

Bryan lunched to-day with Chairman Davis of the Democratic central committee and Senator Caminetti. The plan of the national Administration is believed to have been talked over, for this afternoon Caminetti made a strong speech in favor of the Curtin resolution postponing action on such legislation at this time and giving the Washington Government a chance to bring about the same result by diplomatic means.

"Commercial bodies of this State, composed of the men who have the real interest of the State at heart, have said that they are opposed to this legislation on several grounds, and especially on account of the Panama-Pacific Exposition," said Caminetti. "Suppose we pass this bill as amended; they will invoke the referendum, and there will be nothing that can be done for a year and seven months until the next election. In the meantime the Japanese can come into the State and buy all the land they see fit and there is no way of stopping them."

"I wish it were possible to pass a law to go into effect immediately that no Japanese or alien not eligible to citizenship could hold land in this State, but that is an impossibility. The law as now proposed does nothing, and if we pass it we are subject to the referendum before the bill goes into effect. The only thing to do is to adopt this Curtin resolution and then if no satisfactory progress is made we can have a special session to pass a bill, as provided in the resolution."

There was a long debate in the Senate over this amendment. Boynton introduced it. It was asked just what the three year lease meant; if it was for only three years or if it could be renewed at the end of each period. To this Boynton said the lease could run only three years to one Japanese, but the land might be re-leased by the owner at the end of that time to another Japanese.

Shanahan opposed the amendment as not carrying out the wishes of the people of the State, but suggested that the whole matter should be left to the Federal Government. He believed the amendment weakened the bill.

Caminetti said the majority on the floor, representing the administration, should draft the bill or amend, and all should get behind the measure. He favored the bill, as the farmers wanted to be able to lease their land to Japanese.

The vote for the amendment was 25 to 13.

The alien land bill was to have been considered at least formally by the House Judiciary Committee to-day, but it was impossible to get a quorum. The members signed up a report sending the bill out with a recommendation that it "do pass" without even the formality of a meeting, and it is now on the second reading file of the House.

WILSON SEES COURT BATTLE.

No Other Outcome of California Problem Is Expected.

WASHINGTON, May 2.—A telegram was received here to-day from Secretary Bryan saying he would stay in Sacramento until the Legislature had rendered its final decision on the proposed anti-Japanese legislation. It is the hope in official circles that he has found some reason to believe he can prevent the Californians from passing a bill which will involve the Federal Government in difficulties with Japan.

The President's telegram of warning to Gov. Johnson has made it clear that Mr. Wilson expects to see the issue threshed out in the courts.

So many constructions of the Webb law have made their appearance here that it is now believed the controversy will resolve itself into a legal struggle if an anti-Japanese bill is passed.

There is no longer much fear of hostilities resulting from the agitation. It is accepted generally that the United States has lost a friend through the activities of California's Legislature, but it is hoped now that the issue will be settled finally without even attempts at trade reprisals by the Japanese.

The California law might be attacked in the courts by Japan as contrary to the treaty, or the Japanese might seek to establish their rights to citizenship under the United States law. Either method would make it unnecessary for the Japanese Government to appear

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15 LOST IN SINKING STEAMER.

Boat Strikes Pier in Swift Current of Tensas River.

NATCHEZ, Miss., May 2.—The steamer Concordia, owned by Capt. George Prince and Olio K. Wilds of Natchez, struck a pier of the New Orleans and Northwestern Railway in Tensas River at Clayton Station, La., this morning and sank within five minutes. A. D. Geoghegan, 70 years old, of Jonesville, La., a passenger, and W. L. Primm, 33 years old, of Natchez, chief clerk, white men, and thirteen negroes were drowned. There were on board fifteen white persons and 105 negroes.

The swift current carried the boat against the iron pier. The vessel's bow was stove in, she careened and crashed into the bridge.

A dozen motor boats were rushed from the shore to the rescue and several were injured by flying timber from the boat. The Concordia was valued at \$25,000 and was insured.

BURDEN ESTATE LEFT IN TRUST TO FAMILY

City and Newport Residences Go to the Widow for Life.

THOR, May 2.—The will of I. Townsend Burden was filed in Surrogate's Court here yesterday by John G. Milburn, Jr., of New York, one of the witnesses to the document.

The widow of the testator, Evelyn Burden, and his son, I. Townsend Burden, Jr., are named as executors and trustees. The value of the estate is said to be very large, but is mentioned in the will as being more than \$100,000 personal and \$100,000 real property.

The widow received the life use of the residence at 2 Ninety-second street, New York city, and all horses, carriages, automobiles and paintings. The son, I. Townsend Burden, Jr., gets a special bequest of \$25,000 to place the beneficiary on an equal basis with his brother, the late William A. M. Burden, to whom a like sum was given in September, 1903.

All shares of stock held by the decedent in the Burden Iron Company are left to his widow and son and the survivor of them for and during the lives of his son, I. Townsend Burden, Jr., and his daughter, Mary Gwendolyn Dows.

The summer home Fairlawn at Newport, R. I., is bequeathed to the widow for life and all the rest of the estate is left in trust for the widow and son or the survivor of them.

The legacies and devisees named are: Evelyn Burden, widow; I. Townsend Burden, Jr., son; Evelyn Burden Dows, daughter; William A. M. Burden, grandson; Shirley Carter Burden, granddaughter; and the Woodside Presbyterian Church of this city, which gets \$10,000 in trust.

The will was made March 22, 1908, and was witnessed by John G. Milburn, Lewis Cass Ledyard and John G. Milburn, Jr., all of New York.

SUMMER GETS HERE EARLY.

Mercury Up to 87—Old General Humidity Missing.

Ethereal spring was a bit slay yesterday on either of the variety that the spring poets warble about, the kind that makes you throw out your chest and fancy you are in the altitudes where inspiration, instead of perspiration, is born.

Summer, which is not due by the calendar until June 21, swooped down on us from the northwest on a breeze that fluctuated between ten and thirty miles. The temperature where the breezes had a chance to blow freely away up on the Whitehall Building tower, where there are few residents to appreciate nature's sublimated offerings, was 87 degrees at 4 P. M.

Down on the sidewalk where a large part of the population go about the mercury got a few degrees higher, noticeably so in front of the places where soda water was sold.

Never has there been a May 2 so warm as yesterday in this neighborhood. If the percentage of humidity had not been very low the day would have been a reminder of sweltering summer. The weather folk say that to-day may be quite as warm as yesterday, perhaps with a shower or so thrown in to give truer semblance to real summer.

STATE INCOME TAX PLANNED.

Important Amendment to Massachusetts Constitution Is Proposed.

BOSTON, May 2.—The Legislative Committee on Taxation voted to-day to report an amendment to the Constitution by which the Legislature is empowered to impose taxes on personal property on a new basis.

While an income tax or a three mill or a four mill tax would be possible under this amendment, the Taxation Committee emphasizes that the measure should not be known under the head of either.

The proposed amendment gives the Legislature power to levy proportional and reasonable taxes on all residents, on all real estate and on all personal property and incomes except incomes from real estate.

PROF. TAFT'S TEAM BEATEN.

Yale Freshmen Lose Debate to Harvard First Year Men.

NEW HAVEN, Conn., May 2.—The Yale freshmen debating team, which was coached by Prof. William H. Taft, was defeated to-night by the Harvard first year men. Yale had the negative side of the question, "Resolved, That Cabinet Officers Should be Given a Seat and Voice in Congress."

The vote of the judges was two to one. The judges were Prof. W. O. Fisher, Wesleyan University; Prof. John C. Amherst College, and Prof. John C. Dunbar of Brown University.

ROOSEVELT PLEADS THE CAUSE OF WOMAN

Thousands Packed in Opera House Cheer Speech for Suffrage.

BIG PAGEANT FOLLOWS

Money to Fight for Votes Pledged From Box to Top Gallery Seat.

"Beyond the little struggle of to-day lies the larger struggle of the centuries, in which neither she alone nor her sex alone is concerned, but all mankind."

The spirit of this sentence of Olive Schreiner, printed on the first page of the programme, was the spirit of the woman suffrage speeches and pageant at the Metropolitan Opera House last night.

Col. Roosevelt insisted that suffrage was needed for good government, the day of freedom dawned on the Elysian Fields, and Lillian Nordica, waving a great American flag, sang "The Star Spangled Banner," in whose chorus the thousands in the audience joined.

From \$25 for boxes to fifty cents for standing room the prices ran, and by 8 o'clock there was no standing room. The entertainment was a cheerful prologue to to-day's march of the 30,000 up Fifth avenue.

The curtain rose on Col. Roosevelt sitting at the right of Dr. Anna Howard Shaw in a group of suffrage organization leaders. Dr. Shaw, vigorous after years of toil for what she said was the "greatest cause of all, the cause of human freedom," was cheered by an audience in which were many men as well as women when she said that in all the sixty-five years of fighting in this country there had never been a man or woman advocate of equal suffrage who had done an unlawful act or had been other than a sawdubbing citizen.

"It is splendid," she said, "to belong to an army that can never lose."

For the Colonel, when he arose, yellow banners were flung aloft and then American flags. In a moment he silenced the handclapping and bowed into a speech wherein he had compressed points that had been suggested by the managers of the show.

There was no reason why a cause should be condemned because a few women had done foolish and wicked things, he said. No movement can succeed which does not attract zealous spirits willing to dare and suffer, and if it attracts these it inevitably draws also a few whose zeal outruns their discretion, for even their morality.

"To condemn them all," Mr. Roosevelt earnestly went on, "is to be far more wicked and foolish than the conduct of those against whom the charge is made. You women will get the vote—don't think that the East will permanently lag behind the West in the darkness. Civilization is going to swing this way."

I saw every decent citizen of this State to secure to self-respecting citizenship which is denied the vote the right which it is denied."

Equality, the Colonel continued, doesn't mean identity of function. The man has a narrow soul who seeks to deny the ballot to woman because her work is different from his. Suffrage conditions, he said, have changed enormously in sixty-five years. He went on:

"A meeting like this would have been impossible sixty-five years ago. The idea of the mastery of man over woman has changed to the idea of equal partnership and right between man and wife, and the loftiest type of family life that I know is in the homes where that equality is accepted as a matter of course. [Applause.]

"Votes for women will not cure all evils—if I thought that I'd take 'em away from men. [The Colonel chuckled.] But in no State where suffrage has been tried has it done damage and in every State it has bettered social and industrial conditions. All the arguments against it are duplicated in the arguments against manhood suffrage a century ago."

"Our democracy is based on the theory that the average man shall be the controlling factor in the Government. Our whole effort is toward that. We have made the average man the master. All we propose to do now is to put his partner alongside him [applause]. There are any number of first class citizens who are frightened at new ideas—I know that perfectly well [laughter]; but they'll get over their fright [applause]."

The Colonel mentioned Ida Tarbell and said that "if she's competent to teach me how I ought to vote I think she's competent to vote." He also swept through European history. Queen Elizabeth, Maria Theresa, and Catherine of Russia were the greatest sovereigns of their countries, he said, yet, being women, if they hadn't been sovereigns they would have been novices.

"If Elizabeth hadn't been Queen she wouldn't have possessed the capacity of any adulated squire, in the opinion of her contemporaries. Since women do have such capacity, let them use it where it will do the most good."

"They tell me woman's place is at home," said Col. Roosevelt, waving back the applause. "So is the man's. If there's any married man here who doesn't know that woman does a little more than her share at home he needs to be educated. If he has more leisure than she to reflect on public matters it's a frightful reflection on him."

Then he read a lot of questions which an anti-suffragist had asked him to answer at the meeting. One of them was whether or not he thought woman would be as greatly respected if she had the ballot.

"The answer to that is easy," grinned the Colonel. "Yes. There is no surer sign of advancing civilization than the advance in respect given to the woman."

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AVIATOR KILLED BY PROPELLER.

Los Angeles Man Falls Into Whirling Blades Before Flight.

OAKLAND, Cal., May 2.—Herman E. Janssen, a Los Angeles aviator, was killed instantly to-day by being deceptively when he lost his balance and fell forward into the whirling propeller. He was helping Roy N. Francis start a hydroaeroplane in which the latter was going to cross the bay. Francis stopped his machine as soon as possible, but too late to save his friend.

Francis, Janssen and Tom Gunn, the Chinese aviator, were together on the grounds to test the machine. Francis was in his seat when the accident happened.

BLACK BAGS CAUSE RIOT.

Electricians Mistaken for Surgeons by Women, Who Storm School.

There was a riot yesterday at Public School No. 60, Coney Island, when mothers of the neighborhood demanded the release of the children. Two electricians, sent by the Board of Education, and carrying electrical fixtures and implements in black handbags, were noticed entering the school yesterday morning, and the report spread that the electricians were doctors who were going to operate on the children.

Moses Yeaton, principal, ordered the doors barricaded. The children began crying, and the mothers made furious attacks upon doors and windows. The Rev. Alphonse Arcese told the women in Italian that the men were electrical workers and ordered them to disperse.

THIRD BIG BRADFORD FIRE.

Midland Freight Sheds Destroyed—Loss Is \$500,000.

SPECIAL CABLE DISPATCH TO THE SUN. LONDON, May 2.—The Midland Railway Company's freight sheds at Bradford, which occupied premises 250 yards by 50, were burned to-night. Large quantities of dress goods, carpets and wool were destroyed. The damage amounts to \$500,000.

There have been big fires in Bradford on the last three Friday nights. The fire was undoubtedly of incendiary origin. The firemen employed by the company were busy trying to quench a fire in a wagon load of straw, which had obviously been left in a field, when the sheds, which were some distance away, suddenly blazed up in two places.

No suggestion that the fire was the work of suffragettes has been made up to the present.

CREDITORS MAY MAKE HIM RICH.

Holding Company to Market Weykoff's Realty and Set Him \$100,000.

The creditors of William F. Weykoff, one of the foremost lawyers of Queens and president of the Woodhaven Bank, have decided to restore his fortunes, which got a little away several months ago in big real estate deals.

They will form a holding company, if all goes well, to pay interest on mortgages on Mr. Weykoff's property, and will await a favorable market to dispose of the land. The creditors think they will thus come out even and obtain a comfortable surplus for the bankrupt banker.

There are thirty creditors, it is said, with claims totaling more than \$300,000. The holding company is expected to net Mr. Weykoff about \$100,000.

FULL RIGGED SHIP TO BURN.

Vessel Used in Civil War to Be Set Afire for Metals.

The full rigged ship Southern Rights will be burned to the water's edge on Long Island Sound on Monday morning for the brass and copper that are in her.

Capt. Frederick C. Wilson of Bayonne, a noted life saver and dealer in abandoned vessels, will set fire to the Southern Rights, which was built at Bath, Me., in 1858 and was used in the civil war in delivering stores.

Capt. Wilson figures on recovering from the hull brass and copper worth \$4,000 to \$5,000. In 1901 he burned the Macauley, a famous ship, off Bayonne and cleaned up \$5,000 from metal in her.

NEW BABY LEADS HIM TO DEATH.

Delayed by Good Wishes, Father Slips From Train and Is Killed.

Alfred Marcus, 25 years old, of 1425 Clay avenue, The Bronx, was delayed yesterday in catching his usual train home from the Melrose yards of the New York Central Railroad by the congratulations of fellow employees on the advent of a baby two days ago. Marcus ran across the yards just in time to make a grab for the last car of the 5:32 Mount Vernon local as it was pulling out.

He had a dinner pail in one hand and missed the handle on the front platform of the car. His body was swinging around, his head knocked against the car and he fell alongside the tracks. When Dr. Wobachin of Lebanon Hospital arrived Marcus was dead.

BIBLE AN ISSUE IN ELECTION.

One Candidate for School Board insists on Daily Reading.

CEDARHURST, L. I., May 2.—Reading the Bible every morning in the schools of Cedarhurst, Lawrence and Inwood, which comprise District 15 of Long Island, has become an issue in the election of a trustee next Tuesday.

Franklin B. Lord, a New York lawyer and member of the Rockaway Hunt Club, is a candidate to succeed himself,